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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RUTILIO AREVALO,

Plaintiff,

No. 09-03781 JSW

v.

BRUCE PRATT, et al.,

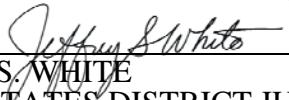
Defendants.

**ORDER OF DISMISSAL  
WITHOUT PREJUDICE FOR  
FAILURE TO PROSECUTE**

Plaintiff filed this action on August 17, 2009, and the matter was set for an initial case management conference on December 11, 2009. Because there had been no further action on this case, because it did not appear that Defendants had been served, and because Plaintiff had not filed a case management conference statement, on December 7, 2009, the Court issued an Order to Show Cause directing Plaintiff to show cause as to why this matter should not be dismissed without prejudice for failure to prosecute. Plaintiff's response was due by December 10, 2009, and the Court advised Plaintiff that failure to respond to the Order to Show Cause, would result in the case being dismissed without prejudice without further notice to Plaintiff. Plaintiff has not filed a response to the Order to Show Cause. Accordingly, this matter is dismissed without prejudice for failure to prosecute.

**IT IS SO ORDERED.**

Dated: December 11, 2009

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE